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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 09 2004

In re application of:  
Galloway et al.

Examiner: Shahnan Shah, Khatol S.

Serial No.: 09/747,521

Art Unit: 1645

Filed: December 21, 2000

Date of Mailing of Notice of  
Allowance: February 11, 2004

For: **METHODS FOR PROTECTING  
AGAINST LETHAL INFECTION  
WITH *BACILLUS ANTHRACIS***

Confirmation Number: 9991

Attorney Docket No.: 22727/04079

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
FAX: 703-305-4257

**PETITION TO WITHDRAW FROM ISSUE--ISSUE FEE  
PAID--TO PERMIT CONSIDERATION OF A REQUEST  
FOR CONTINUED EXAMINATION (RCE) HAVING AN  
INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.313(c)(2))**

Dear Sir:

Applicant hereby petitions for the withdrawal of the above-referenced application from issue. The issue fee for this case was paid on May 11, 2004.

The application has not yet been scheduled to issue. A petition to revive an unintentionally abandoned application was filed in this case on July 1, 2004.

The reason for the request for withdrawal from issue of this application is for consideration of a request for examination ("RCE") having a supplemental information disclosure statement ("IDS"). 37 C.F.R. § 1.313(c)(2).

An RCE having an IDS is being filed with this Petition. This withdrawal from issue is being requested so that the PTO will be able to consider the references in the supplemental IDS accompanying the RCE.

07/12/2004 AKELLEY 00000008 030172 09757521

01 FC:1460 130.00 DA

{JND0107.DOC;1}

Adjustment date: 07/15/2004  
07/13/2004 AMONDAFL 000000081 030172  
02 FC:1460 130.00 DA  
09747521

Please charge Deposit Account 03-0172, for the petition fee of \$130.00 and the RCE fee of \$770.00, as set forth in 37 C.F.R. §1.17(e) & (h).

It is believed that no additional fees are due with this petition; however, if any additional fees are due in this matter, please charge same to Deposit Account No. 03-0172.

If you have any questions, please do not hesitate to contact Applicant's attorney below.

Respectfully submitted,  
CALFEE, HALTER & GRISWOLD LLP

Date:

July 8, 2004

By:

Joan N. Drew  
Joan N. Drew  
Reg. No. 52,364

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request  
For  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number 09/747,521

Filing Date December 21, 2000

First Named Inventor Galloway

Art Unit 1645

Examiner Name Shahnan Shah

Attorney Docket Number 22727/04079

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**OFFICE OF PETITIONS**

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 03-0172

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other **Petition Fee \$130.00 for Petition to Withdraw from Issue**

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type) Joan N. Drew Registration No. (Attorney/Agent) 583364  
Signature *Joan N. Drew* Date July 8, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type) \_\_\_\_\_ Date \_\_\_\_\_  
Signature \_\_\_\_\_

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file and be processed to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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